

### **REMARKS**

Claims 1, 3-8 and 10-20 are pending. By this Amendment, claims 9-16 are renumbered as claims 8-15 because when the Application was filed, claims 8-15 were mis-numbered as 9-16. Accordingly, the claims are now properly numbered as 1-15, and new claims are added beginning with claim 16.

Applicants thank Examiner Dinh for the courtesies extended to the Applicant, and the Applicants' representatives during the November 8, 2006 personal interview. The points discussed are incorporated into the remarks below and constitute the Applicants' record of the personal interview.

Claims 1, 3, 8, and 10-15 have been amended, claims 2 and 9 have been cancelled without prejudice or disclaimer, and claims 16-20 are added. No new matter is presented in this Amendment. The amendments to claims 1, 8, and 12 reflect the issues discussed during the personal interview.

Claims 3, 8, 10-15 are amended in accordance with the renumbering discussed above. Support for amended claims 1, 8, and 12 is found, for example, in paragraphs [0016] and [0017] (regarding the location of the write protection information), and paragraphs [0022] and [0038] (regarding the non-write protected area of the data zone), of the Specification. Support for new claims 16-20 is found, for example, in paragraph [0022] of the Specification, and the original claims as filed.

For the following reasons, reconsideration is respectfully requested.

### **REJECTIONS UNDER DOUBLE PATENTING:**

Claims 1-16 (renumbered 1-15) are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of copending application No. 10/630,922.

Claims 1-16 (renumbered 1-15) are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims of 1-15 of U.S. Patent No. 6,862,256.

Claims 1-16 (renumbered 1-15) are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 11/235,294.

Claims 1-16 (renumbered 1-15) are provisionally rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 1-16 of copending application 11/429,337.

Claims 1-16 (renumbered 1-15) are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-23 of copending application No. 11/235,295.

As noted above, claims 9-16 have been renumbered as claims 8-15. Accordingly, the revised numbering will be used to discuss the claims. The rejections of the canceled claims 2 and 9 are moot. Each of the above rejections is respectfully traversed for the remaining claims.

It is respectfully submitted that claims 1, 8, and 12 are non-obvious over the noted various claims of the applied co-pending and issued applications. For example, the co-pending and issued applications do not claim a size of a non-write protected area of the data zone, as recited in claims 1 or 8, or allow defect management of a write protected optical storage medium using a non-write protected area of the optical storage medium, as recited in claim 12. Pending dependent claims 3-7, which depend from claim 1, claims 10 and 11, which depend from claim 8, and claims 13-15, which depend from claim 12, are likewise non-obvious over the noted various claims of the applied co-pending and issued applications for at the reason discussed above, and for the additional features they recite. Withdrawal of the rejections is respectfully requested.

#### **REJECTIONS UNDER 35 U.S.C. §112:**

Claims 1-16 (renumbered 1-15) are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. As noted above, claims 9-16 have been renumbered as claims 8-15. Accordingly, the revised numbering will be used to discuss the claims. The rejection of the canceled claims 2 and 9 is moot. The rejection is respectfully traversed for the remaining claims.

It is respectfully submitted that claims 1-15 comply with the statutory written description requirement because "the description clearly allow persons of ordinary skill in the art to recognize that he or she invented what is claimed." *In re Gosteli*, 872 F.2d 1008, 1012, 10 USPQ2d 1614, 1618 (Fed. Cir. 1989). (Manual of Patent Examination Procedure, §2163.02, 2100-179, Rev. 5, August 2006). In other words, the term size is amply described to meet the statutory requirements. For example, paragraph [0038] of the Specification discusses a plurality of write protected areas having different sizes. The identities of the various write protected

areas are discussed on paragraphs [0022] and [0023], for example. From these paragraphs, it is clear that having more or less of the various areas of the data zone that are write protected increase or decrease the sizes of the write protected and/or the non-write protected areas of the data zone.

Accordingly, claims 1-15 comply with the statutory written description requirement and the withdrawal of the rejection is respectfully requested.

#### **REJECTIONS UNDER 35 U.S.C. §102:**

Claims 1, 2, 6-11, and 13-16 are rejected under 35 U.S.C. §102(b) as being anticipated by Lee et al. (EPA, 0 965 988 A2). Though not listed, claims 3-5, and 12 are also rejected in the main body of the Office Action.

As noted above, claims 9-16 have been renumbered as claims 8-15. Accordingly, the revised numbering will be used to discuss the claims. The rejection of the canceled claims 2 and 9 is moot. The rejection is respectfully traversed for the remaining claims.

It is respectfully submitted that Lee does not anticipate or render obvious an optical storage medium, wherein a write protection information is recorded in at least one of the lead-in area and the lead out area to indicate one of a plurality of write protection statuses of the optical storage medium, and one of the plurality of write protection statuses indicates a size of a write protected area and a size of a non-write protected area of the data zone of the write protected optical storage medium, as recited in claim 1.

Also, Lee does not anticipate or render obvious an optical storage medium wherein a write protection information is recorded in at least one of the lead-in area and the lead out area to indicate a size of a non-write protected area of the data zone of the write protected optical storage medium, as recited in claim 8.

Also, Lee does not anticipate or render obvious an optical storage medium, wherein a write protection information is recorded in at least one of the lead-in area and the lead out area to indicate one of a plurality of write protection statuses of the optical storage medium, one of the statuses being to allow defect management of a write protected optical storage medium using a non-write protected area of the optical storage medium, as recited in claim 12.

That is, Lee does not disclose a non-write protected area of the user data area once Lee's disc is write protected, or one of the statuses being to allow defect management of a write protected optical storage medium using a non-write protected area of the optical storage

medium. Instead, Lee simply discloses recording and storing write protection information in a disc definition structure (DDS) area of defect management areas (DMA) (see for example, page 6, paragraph [0057] at lines 1-3 of Lee). The various DMAs are in the lead-in and lead-out areas of the disc, as shown in FIG. 2 of Lee. The write protection information is indicated in the DDS by byte position 3 (BP3) that contains a disc certification flag, and by byte positions 16-39 (BP16-BP39) that contain a group certification flag (as respectively shown FIGS. 3A and 3B, and page 6, paragraphs [0055] and [0056] of Lee). Each of the disc and group certification flags may store write protection information (FIGS. 4A and 4B, and page 6-7, paragraphs [0057]-[0058] of Lee).

In Lee, the DMA may or may not be accessed to change the write protection information depending on the level of write protection applied to the disc. One of such write protection levels is a "hard" write protection that applies write protection to the entire disc so that even the lead-in and lead-out areas of the disc are not accessible and the disc is not restorable to a rewritable state (see, page 7, paragraph [0060] of Lee). Another of such write protection levels is a "soft" write protection that does not apply the write protection to the DMA area so that the level of write protection can be changed (see, page 7, paragraph [0060] of Lee).

Both the hard and soft write protections concern whether the DMA area is accessible once the disc is write protected, and do not concern whether there is a non-write protected area in the data zone once the disc is write protected, or whether defect management of a write protected optical storage medium is possible using a non-write protected area of the optical storage medium. In fact, Lee neither discloses nor suggests a non-write protected area in the data zone once the disc is write protected, or defect management of a write protected optical storage medium using a non-write protected area of the optical storage medium.

Accordingly, Lee does not anticipate all of the features of claims 1, 8, and 12. Claims 3-7, which depend from claim 1, claims 9-11, which depend from claim 8, and claims 13-15, which depend from claim 12, are likewise patentable over the applied reference to Lee for at least the reasons discussed above, and for the additional features they recite. Withdrawal of the rejection is respectfully requested.

#### **NEW CLAIMS:**

New claims 16-20 are patentable for at least their dependence from their respective independent claims and for their added features.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 11/9/2006

By: Seth S. Kim  
Seth S. Kim  
Registration No. 54,577

1400 Eye St., NW  
Suite 300  
Washington, D.C. 20005  
Telephone: (202) 216-9505  
Facsimile: (202) 216-9510